IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

**S.B.CR MISC.PETITION NO. 1652/2006**
**Suresh Kumar**
**Vs.**
**State of Rajasthan**

Date of order: 30.07.2007

**HON'BLE MR. SATYA PRAKASH PATHAK,J.**

Mr. M.A. Siddiqui, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor for State.

By this petition, the petitioner seeks to quash FIR No.143/2006 registered by the Anti Corruption Bureau on 31.5.2006 for the offences under Section 13(1)(D)(2) of the Prevention of Corruption Act, 1988 (for short 'the Act of 1988' hereinafter) and Section 120-B IPC.

For disposal of this petition, the relevant facts, as stated in the petition, are that the petitioner at the relevant time while working as Naib Tehsildar at Nathdwara, Distt. Rajsamand alongwith one Senior Clerk (Registration) Shri Krishna Chandra entered into a criminal conspiracy with one Shri Ravi Sanadhya, Proprietor of Hotel Sagun

Entertainment, Nathdwara and the land, which was of commercial nature, was registered in his favour as residential land. The registry was also got done in favour of Shri Ravi Sanadhya, Proprietor of Hotel Sagun Entertainment. The petitioner, thus, caused heavy monetary loss to the government revenue by abusing his official capacity and presently investigation is pending in the matter.

The contention of the learned counsel for the petitioner is that in fact nobody has been cheated in this matter and no favour was given to Shri Ravi Sanadhya or to any other person so as to cause loss to Government Revenue by the petitioner. It is further submitted that registry was done according to the rules and this fact finds corroboration by a letter written by the Deputy Registrar (Registration), Rajsamand dated 6.5.2004. The submissions of the learned counsel is that in view of the above document no case whatsoever is made out either under Sec. 120-B IPC or Section 13(1)(D)(2) of the P.C. Act, 1988, therefore, investigation pending in the present case in relation to FIR No.143/2006 requires to be quashed.

On the other hand, learned Public Prosecutor has contended that here in this case, after thorough enquiry and taking into consideration the provisions of Anti Corruption Act and law, investigation is being conducted, therefore, unless there are very exceptional reasons for quashing the FIR, the investigation should not be stopped and it should take its own course. It is also submitted that there is no case for quashing the FIR and the petition is devoid of merit and deserves to be dismissed.

I have considered the submissions made before me and perused the FIR registered with Anti Corruption Bureau and also perused the contents of the letter dated 6.5.2004 and the documents annexed with the petition on which my attention was drawn by the learned counsel for the petitioner.

It is to be seen that it is a case where the allegations are that conspiracy was hatched and there has been misuse of the official position by a public servant while discharging official functions as Naib Tehsildar at the relevant time and loss was caused to the Government

revenue. Therefore, there appears no exceptional reasons to stop the investigation or to quash the FIR.

However, taking into consideration the entire facts and circumstances of the case, while dismissing the petition it is hereby observed that the I.O. of the case may continue with the investigation and the petitioner, if he is so advised, can submit the documents and other material in his possession before the investigating authority either himself or through his counsel or by registered post. It is expected that the investigating agency shall take into consideration the material submitted by the petitioner or his pleader or sent by registered post to the investigating agency. In case, after investigation, it is found that a charge-sheet is required to be filed, then one month's notice of the intention of filing charge-sheet be given to the petitioner.

With the above observations, the petition stands dismissed.

**(SATYA PRAKASH PATHAK),J.**

**Rm/-**